

# Notice of Allowability

Application No.

09/706,592

Examiner

Vineeta S. Panwalkar

Applicant(s)

KUBLER ET AL.

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 11/21/06.
2. ☒ The allowed claim(s) is/are 16-18, 22- 26, 30- 41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

TESFALDET BOGURE  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 11-15 (remarks), filed 11/21/06, with respect to claims 16-18, 26, 31, 32, 34 and 35 have been fully considered and are persuasive. The rejection of claims 16-18, 26, 31, 32, 34 and 35 has been withdrawn.

### ***Allowable Subject Matter***

2. Claims 16-18, 22- 26, 30- 41 are allowed.

The following is an examiner's statement of reasons for allowance:

- 2a. Regarding claims 16-18 and 26, prior art of record fails to show a wireless communication system and method for sending a wireless message using a standard modem command selected from a standard modem command format, but substituting for modem information normally associated with the standard modem command in the standard modem command format, wireless network information which is foreign to said standard modem command format, wherein the wireless network information relates specifically to the initial establishment of wireless linkage in the wireless communication network, in combination with each and every other limitation of the claims. The claims are interpreted in light of the specification, especially in light of pages 7-9 of the specification.

- 2b. Claims 22-25 and 30 are allowed as being dependent on claims 18 and 26.

- 2c. Regarding claim 31, prior art of record fails to show a wireless communication system for processing a network establishment signal having identification information incorporated into standard modem command selected from a standard modem command format, where the identification information is foreign to said standard modem command format and is not associated with said standard modem command according to said standard modem command format, wherein claimed device wireless communication subsystem is responsive to the identification information to control via a wireless linkage in the wireless communication network, in combination with each and every other limitation of the claim. The claim is interpreted in light of the specification, especially in light of pages 7-9 of the specification.
- 2d. Regarding claim 32, prior art of record fails to show a wireless communication system for processing a network establishment signal having identification information incorporated into standard modem command selected from a standard modem command format, where the identification information is foreign to said standard modem command format and is not associated with said standard modem command according to said standard modem command format, wherein claimed device wireless communication subsystem is responsive to the network operation information which relates specifically to wireless linkage in the wireless network, in combination with each and every other limitation of the

claim. The claim is interpreted in light of the specification, especially in light of pages 7-9 of the specification.

- 2e. Claim 33 is allowed as being dependent on claim 32.
- 2f. Regarding claim 34, prior art of record fails to show method of communicating with a device comprising a wireless communication system capable of wireless communication, the method comprising sending via wireless transmission directly to the device wireless communication system the control signal having control information incorporated into the standard modem command selected from the standard modem command format, where the control information is foreign to the standard modem command and is not associated with standard modem command according to the standard modem command format, in combination with each and every other limitation of the claim. The claim is interpreted in light of the specification, especially in light of pages 7-9 of the specification.
- 2g. Regarding claim 35, prior art of record fails to show a wireless communication system comprising device wireless communication subsystem receiving control information which is foreign to the standard modem command to effect a control operation even though said control information is foreign to the standard modem command and is not associated with the standard modem command according to the standard modem command format, in combination with each and every other

limitation of the claim. The claim is interpreted in light of the specification, especially in light of pages 7-9 of the specification.

- 2f. Claims 36-41 are allowed as being dependent on claim 35.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Clark et al. (US 5408520) disclose wireless communication system using standard modem command to establish connection between devices.
  - Bayley et al. (US 5487175) show wireless communication system using modem commands.
  - Rossi (US 5570389) discloses shows handshaking techniques in a wireless communication system using modem initialization commands.

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**Contact Information**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vineeta S. Panwalkar whose telephone number is 571-272-8561. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VP

**TEJALDEE BOCURE**  
**PRIMARY EXAMINER**